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Attorneys for All Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KAREN SUTHERLAND, et al.,

Plaintiffs,

vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-01855-WBS-AC

**STIPULATION AND ORDER  
ALLOWING PLAINTIFFS TO FILE A  
SECOND AMENDED COMPLAINT**

**[No hearing required]**

1 This Stipulation is respectfully submitted by all named parties: Plaintiffs Karen  
2 Sutherland, mother of the Decedent, and Erica Rae Belatti, as Guardian Ad Litem for the minors  
3 S.A.S., Jr. and D.J.S. (as both children of, and successors in interest to, the Decedent), on the one  
4 hand; and Defendants City of Stockton (the “City”), former City of Stockton Chief of Police Eric  
5 Jones, Officer Ronald Zalunardo, and Officer John Afanasiev, on the other hand, all through  
6 their undersigned counsel of record.

7 RECITALS

8 A. On October 4, 2021, Plaintiffs filed this lawsuit.

9 B. On March 8, 2022, Plaintiffs filed their First Amended Complaint (“FAC”),  
10 following a meet and confer by the parties regarding Defendants’ intended motion to dismiss  
11 portions of the Complaint.

12 C. On April 5, 2022, the parties met and conferred again, regarding remaining issues  
13 with the FAC, in a further effort to avoid Defendants filing a motion to dismiss.

14 D. As a result of that meet and confer, the parties have agreed (i) Plaintiffs will file a  
15 Second Amended Complaint (“SAC”) to address the issues raised in the parties’ meet and confer  
16 conference on or before April 15, 2022, (ii) with the Court’s permission, Defendants are excused  
17 from responding to the FAC, and (iii) Defendants will have 28 days from the date the SAC is  
18 filed to move, plead, or otherwise respond to Plaintiffs’ SAC.

19 STIPULATION

20 IT IS STIPULATED AND AGREED, by the parties, through their counsel of record, as  
21 follows:

- 22 1. Plaintiffs will file their SAC on or before April 15, 2022.  
23 2. Defendants are excused from responding to the FAC.  
24 3. Defendants will have 28 days from the date the SAC is filed to move, plead, or  
25 otherwise respond to the SAC.

26 Respectfully Submitted,

27 Dated: April 6, 2022

HERUM\CRABTREE\SUNTAG  
A California Professional Corporation

By: /s/ Joshua J. Stevens  
JOSHUA J. STEVENS  
Attorneys for all Defendants

1 Dated April 7, 2022

V. JAMES DESIMONE LAW

2 By: /s/ V. James DeSimone

3 V. JAMES DESIMONE

4 Attorney for all Plaintiffs

**ORDER**


**IT IS SO ORDERED.**

5  
6 1. Plaintiffs shall be allowed to file a Second Amended Complaint, and shall file  
7 their Second Amended Complaint on or before April 15, 2022.

8 2. Defendants are excused from responding to the First Amended Complaint.

9 3. Defendants shall have 28 days from the date the Second Amended Complaint is  
10 filed to move, plead, or otherwise respond to the Second Amended Complaint.

11 Dated: April 11, 2022



12 WILLIAM B. SHUBB

13 UNITED STATES DISTRICT JUDGE